

## **REMARKS**

### **STATUS OF CLAIMS**

Claims 1-3, 14-15, 29 and 33-48 have been canceled, and Claims 4-7, 9-12, 16-18, 20-24, 26-27 and 31 have been amended. Claims 49-59 have been added, and Claims 8, 13, 19, 25, 28, 30 and 32 remain in the application unchanged. Thus, Claims 4-13, 16-28, 30-32 and 49-59 are pending in the application. Reconsideration of this application in light of the above amendments and the following remarks is respectfully requested.

### **COMMENT REGARDING FORM PTO-1449**

The Office Action was accompanied by a copy of a Form PTO-1449 previously submitted by Applicant with an Information Disclosure Statement filed on September 18, 2000. This PTO-1449 listed four Japanese references. On the PTO-1449, the Examiner drew a line through each of the four Japanese references, and added a handwritten note saying "Not considered - Foreign language". Applicant respectfully objects, for the following reasons.

The present U.S. application was filed in the form of a PCT application designating the U.S., and was subsequently nationalized in the U.S. As part of the PCT process, the PCT International Searching Authority (ISA) issued a PCT Search Report (Forms PCT/ISA/220 and 210), which cites four Japanese references. These are the same four Japanese references that Applicant cited in the Information Disclosure Statement filed on September 18, 2000. Further, Applicant submitted with the Information Disclosure Statement an English-language version of the PCT Search Report. Since the Office Action acknowledges that the Examiner received the Information Disclosure Statement, Applicant assumes that the Examiner received the English-language version of the PCT Search Report, which was an integral part of that Information Disclosure Statement. (If necessary, Applicant will submit on request a copy of an acknowledgment post card which bears the date stamp of the PTO's PCT mailroom, and which acknowledges receipt by the PTO of both the Information Disclosure Statement and the accompanying PCT Search Report).

In regard to submission of foreign-language references with information disclosure statements, MPEP §609 provides that:

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent

office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report.

The present PCT application designated countries other than the U.S., for example Europe, and the PCT Search Report was issued by the Japanese Patent Office in its capacity as the ISA. The Search Report was thus issued by a foreign patent office in a counterpart foreign application. Consequently, it is respectfully submitted that Applicant's Information Disclosure Statement fully complied with the above-quoted provisions of the MPEP, and that the Examiner was therefore required to consider the four Japanese references, notwithstanding the fact that they are in a foreign language. Applicant is sympathetic to the fact that it can be inconvenient for an Examiner to deal with a foreign-language reference. On the other hand, Applicant is aware that the PTO has a department which provides translation or other appropriate language assistance to Examiners in these types of situations. In any event, Applicant has fully complied with all the relevant PTO requirements, and is entitled by PTO policy to have the Examiner consider the merits of the four Japanese references. Accordingly, Applicant respectfully requests that the Examiner consider the four Japanese references, and then return with the Examiner's next communication a properly initialed copy of the previously-submitted Form PTO-1449, showing that these four references have each been considered on the merits.

#### CLAIM 12

Noted with appreciation is the indication in the Office Action that Claims 12-13 and 16 each recite allowable subject matter, and would be allowed if rewritten in independent form. Claim 12 depended from Claims 1, 2 and 3, and the foregoing amendments therefore add to Claim 12 the limitations of Claims 1, 2 and 3, in order to place Claim 12 in independent form. Similarly, Claim 16 depended from Claims 1 and 15, and the foregoing amendments add to Claim 16 the limitations of Claims 1 and 15, in order to place Claim 16 in independent form. Claims 12 and 16 should thus now be in proper condition for allowance, and notice to that effect

is respectfully requested. Allowable Claim 13 depends from allowable Claim 12. Claim 13 should thus now be in proper condition for allowance, even though it has not been separately placed in independent form.

#### CLAIMS 4-11, 17-28 AND 30-32

Claims 4, 5, 18, 24 and 27 were subject to a rejection for indefiniteness under the second paragraph of 35 U.S.C. §112. The foregoing amendments to Claims 4, 5, 18, 24 and 27 include changes which are intended to overcome the objections raised under §112 by the Examiner, but which are not intended to effect any significant alteration to the scope of these claims. It is respectfully submitted that Claims 4, 5, 18, 24 and 27 are now all in compliance with §112, and notice to that effect is respectfully solicited.

The foregoing amendments adjust dependencies so that Claims 4-11, 17-28 and 30-32 each now depend directly or indirectly from independent Claim 12. Claims 4-11, 17-28 and 30-32 are believed to be allowable, for example for the same reasons as allowable Claim 12, and notice to that effect is respectfully requested.

#### INDEPENDENT CLAIM 49

Independent apparatus Claim 49, which is set forth above in its entirety, is a newly-added claim that includes a recitation of:

... a plurality of second openings which are larger than and are each disposed adjacent to and communicate with a respective one of the first openings, so that the nozzles can each be inserted into and withdrawn from a respective one of the second openings, and can each be moved between one of the first openings and the second opening which communicates therewith.

Since Claim 49 is a newly-added claim, it is not subject to any rejection based on the art of record. Nevertheless, in order to promote efficient examination of this application, and since there are previously-pending claims which were rejected using selected references of record, Applicant respectfully submits that the above-quoted language from Claim 49 recites subject matter which is not disclosed in the references used to reject other claims. Claim 49 is thus

believed to be patentable over the art used to reject other claims, and notice to that effect is respectfully requested.

#### DEPENDENT CLAIMS

Claims 50-59 depend from and further limit the subject matter of independent Claim 49, and are also believed to be allowable, for example for the same reasons as Claim 49.

#### COMMENT ON STATEMENT OF REASONS FOR ALLOWANCE

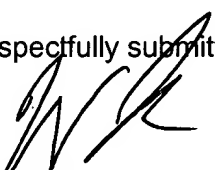
On page 7 of the Office Action, the Examiner sets forth a statement of reasons for the indicated allowability of Claims 12, 13 and 16. Applicant agrees that Claims 12, 13, and 16 recite allowable subject matter. However, Applicant does not agree in all respects with the Examiner's statement of reasons. For example, Applicant respectfully submits that the Examiner's statement should not be interpreted to mean that the stated reasons are the only reasons supporting allowance, and that there are not any other reasons which separately and independently support the allowability of these claims. Further, Applicant disagrees with the Examiner's statement to the extent that it attempts to paraphrase certain claim language using terminology and/or language which differs in some respects from the specific terminology and language that was selected for use in Applicants' claims.

#### CONCLUSION

Claims 4-13, 16-28, 30-32 and 49-59 are under consideration in the present application. In view of the foregoing amendments and remarks, allowance of Claims 4-13, 16-28, 30-32 and

49-59 is respectfully requested. The Examiner is invited to call the undersigned at the below-listed telephone number if, in the opinion of the Examiner, such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

  
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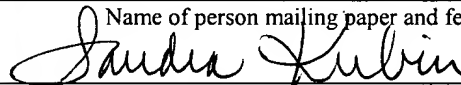
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